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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------------|---------------------|------------------|
| 10/522,355 | 01/26/2005 | Uwe Lasebnick | 17102/013001 | 1412 |
| 22511 7590 08/25/2008 OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010 | | | | |
| EXAMINER FOX, JOHN C | | | | |
| ART UNIT 3753 | | PAPER NUMBER | | |
| NOTIFICATION DATE 08/25/2008 | | DELIVERY MODE ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
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Office Action Summary

Application No.

10/522,355

Applicant(s)

LASEBNICK ET AL.

Examiner

John Fox

Art Unit

3753

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6, 7, 11, 12, 14, 25-28, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 7, 11, 12, 14, 25-28, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This action is responsive to the communication filed July 16, 2008.

Claims 2-3, 5, 8-10, 13, 15-24, 29, and 32 have been cancelled. Claims 1, 4, 6-7, 11-12, 14, 25-28, and 30-31 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4, 26, 6, 7, 28, 12, 31, 14, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Sundholm (US 5,655,608).

The recitation "for feeding a cleaning fluid to at least one nozzle opening of a nozzle" and further recitations of "cleaning" relate to intended use and are given no weight. Sundholm shows a device with an inlet 5, one outlet leading to nozzle 4 and other outlets leading to nozzles 3, a piston valve or spindle 8, spring 10 biasing valve 8 towards seat 11. Fluid pressure at inlet 5 moves valve 8 away from seat 11 to open the outlets leading to nozzles 3, which corresponds to the first fluid path/fluid outlet. Figure 2 shows the valve in a first position and Figure 3 shows the valve in a second position.

Claims 1, 4, 6-7, 11-12, 14, 25-28, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sierra in view of Callejo.

The recitation "for feeding a cleaning fluid to at least one nozzle opening of a nozzle" and further recitations of "cleaning" relate to intended use and are given no weight. Sierra shows a fluid pressure operated valve 57 with inlet 54, outlets 56 and 59, seats 53 and 53, and spring 60. In a low pressure position both outlets are open, in a higher pressure position outlet 59 is closed, and in a basic position both outlets are closed. Sierra does not teach a piston valve, though. Callejo shows a three way check

valve with inlet 32 and outlets 34, 35 which is a piston guided in the valve body. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used such a piston in place of the ball check valve of Sierra to similarly guide the valve head and under the rationale set forth in *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007) that the simple substitution of one known element for another to obtain predictable results is obvious.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

It is noted that Applicant argued for Figures 5-7. However, Figure 4 remains the elected species. The pin of Figure 4 can reasonably be termed a piston.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fox whose telephone number is 571-272-4912. The examiner can normally be reached on Monday-Saturday from 10am-6pm (Hoteling Program).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Fox/
Primary Examiner
Art Unit 3753
